

1 ~~holiday.~~ holiday when the courthouse is closed for transactions. When the period of
2 time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays,
3 and holidays shall be excluded in the computation. A half holiday shall be considered as
4 other days and not as a holiday."

5 **SECTION 3.** G.S. 45-21.21(e) reads as rewritten:

6 "(e) A sale may be postponed more than once provided the final postponed sale
7 date is not later than 90 days, exclusive of Sunday and legal ~~holidays,~~ holidays when the
8 courthouse is closed for transactions, after the original date for the sale."

9 **SECTION 4.** G.S. 45-21.23 reads as rewritten:

10 **"§ 45-21.23. Time of sale.**

11 A sale shall begin at the time designated in the notice of sale or as soon thereafter as
12 practicable, but not later than one hour after the time fixed therefor unless it is delayed
13 by other sales held at the same place. The sale shall be held between the hours of 10:00
14 A.M. and 4:00 P.M. on any day other than Sunday or a legal ~~holiday.~~ holiday when the
15 courthouse is closed for transactions."

16 **SECTION 5.** G.S. 45-21.24 reads as rewritten:

17 **"§ 45-21.24. Continuance of uncompleted sale.**

18 A sale commenced but not completed within the time allowed by G.S. 45-21.23 shall
19 be continued by the person holding the sale to a designated time between 10:00 o'clock
20 A.M. and 4:00 o'clock P.M. the next following day, other than Sunday or a legal
21 ~~holiday.~~ holiday when the courthouse is closed for transactions. In case such
22 continuance becomes necessary, the person holding the sale shall publicly announce the
23 time to which the sale is continued."

24 **SECTION 6.** G.S. 45-21.27(a) reads as rewritten:

25 "(a) An upset bid is an advanced, increased, or raised bid whereby any person
26 offers to purchase real property theretofore sold, for an amount exceeding the reported
27 sale price or last upset bid by a minimum of five percent (5%) thereof, but in any event
28 with a minimum increase of seven hundred fifty dollars (\$750.00). Subject to the
29 provisions of subsection (b) of this section, an upset bid shall be made by delivering to
30 the clerk of superior court, with whom the report of sale or last notice of upset bid was
31 filed, a deposit in cash or by certified check or cashier's check satisfactory to the clerk in
32 an amount greater than or equal to five percent (5%) of the amount of the upset bid but
33 in no event less than seven hundred fifty dollars (\$750.00). The deposit required by this
34 section shall be filed with the clerk of the superior court, with whom the report of the
35 sale or the last notice of upset bid was filed by the close of normal business hours on the
36 tenth day after the filing of the report of the sale or the last notice of upset bid, and if the
37 tenth day shall fall upon a Sunday or legal ~~holiday,~~ holiday when the courthouse is
38 closed for transactions, or upon a day in which the office of the clerk is not open for the
39 regular dispatch of its business, the deposit may be made and the notice of upset bid
40 filed on the day following when said office is open for the regular dispatch of its
41 business. Subject to the provisions of G.S. 45-21.30, there shall be no resales; rather,
42 there may be successive upset bids each of which shall be followed by a period of 10
43 days for a further upset bid. When an upset bid is not filed following a sale, resale, or

1 prior upset bid within the time specified, the rights of the parties to the sale or resale
2 become fixed."

3 **SECTION 7.** G.S. 1-339.64(a) reads as rewritten:

4 "(a) An upset bid is an advanced, increased, or raised bid whereby a person offers
5 to purchase real property theretofore sold for an amount exceeding the reported sale
6 price or last upset bid by a minimum of five percent (5%) thereof, but in any event with
7 a minimum increase of seven hundred fifty dollars (\$750.00). Subject to the provisions
8 of subsection (b) of this section, an upset bid shall be made by delivering to the clerk of
9 superior court, with whom the report of sale or the last notice of upset bid was filed, a
10 deposit in cash or by certified check or cashier's check satisfactory to the clerk in an
11 amount greater than or equal to five percent (5%) of the amount of the upset bid but in
12 no event less than seven hundred fifty dollars (\$750.00). The deposit required by this
13 section shall be filed with the clerk of the superior court, with whom the report of sale
14 or the last notice of upset bid was filed, by the close of normal business hours on the
15 tenth day after the filing of the report of sale or the last notice of upset bid and if the
16 tenth day falls upon a Sunday or legal holiday when the courthouse is closed for
17 transactions, or upon a day in which the office of the clerk is not open for the regular
18 dispatch of its business, the deposit may be made and the notice of upset bid may be
19 filed on the day following when the office is open for the regular dispatch of its
20 business. Except as provided in G.S. 1-339.66A and G.S. 1-339.69, there shall be no
21 resales; however, there may be successive upset bids, each of which shall be followed
22 by a period of 10 days for a further upset bid. If a timely motion for resale is filed under
23 G.S. 1-339.66A, no upset bids may be filed while the motion is pending."

24 **SECTION 8.** G.S. 1-339.25(a) reads as rewritten:

25 "(a) An upset bid is an advanced, increased, or raised bid in a public sale by
26 auction whereby a person offers to purchase real property theretofore sold for an
27 amount exceeding the reported sale price or the last upset bid by a minimum of five
28 percent (5%) thereof, but in any event with a minimum increase of seven hundred fifty
29 dollars (\$750.00). Subject to the provisions of subsection (b) of this section, an upset
30 bid shall be made by delivering to the clerk of superior court, with whom the report of
31 the sale or the last notice of upset bid was filed, a deposit in cash or by certified check
32 or cashier's check satisfactory to the clerk in an amount greater than or equal to five
33 percent (5%) of the amount of the upset bid but in no event less than seven hundred fifty
34 dollars (\$750.00). The deposit required by this section shall be filed with the clerk of the
35 superior court with whom the report of sale or the last notice of upset bid was filed, by
36 the close of normal business hours on the tenth day after the filing of the report of sale
37 or the last notice of upset bid, and if the tenth day falls upon a Sunday or legal holiday
38 when the courthouse is closed for transactions, or upon a day in which the office of the
39 clerk is not open for the regular dispatch of its business, the deposit may be made and
40 the notice of upset bid may be filed on the day following when the office is open for the
41 regular dispatch of its business. Except as provided in G.S. 1-339.27A and G.S.
42 1-339.30, there shall be no resales; however, there may be successive upset bids, each of
43 which shall be followed by a period of 10 days for a further upset bid. If a timely

1 motion for resale is filed under G.S. 1-339.27A, no upset bids may be filed while the
2 motion is pending."

3 **SECTION 9.** G.S. 7B-506(e) reads as rewritten:

4 "(e) If the court orders at the hearing required in subsection (a) of this section that
5 the juvenile remain in custody, a subsequent hearing on continued custody shall be held
6 within seven business days of that hearing, excluding Saturdays, Sundays, and legal
7 ~~holidays,~~ holidays when the courthouse is closed for transactions, and pending a
8 hearing on the merits, hearings thereafter shall be held at intervals of no more than 30
9 calendar days."

10 **SECTION 10.** G.S. 7B-1906(b) reads as rewritten:

11 "(b) As long as the juvenile remains in secure or nonsecure custody, further
12 hearings to determine the need for continued secure custody shall be held at intervals of
13 no more than 10 calendar days. A subsequent hearing on continued nonsecure custody
14 shall be held within seven business days, excluding Saturdays, Sundays, and legal
15 ~~holidays,~~ holidays when the courthouse is closed for transactions, of the initial hearing
16 required in subsection (a) of this section and hearings thereafter shall be held at intervals
17 of no more than 30 calendar days. In the case of a juvenile alleged to be delinquent,
18 further hearings may be waived only with the consent of the juvenile, through counsel
19 for the juvenile."

20 **SECTION 11.** G.S. 105-374(m) reads as rewritten:

21 "(m) Sale. – The sale shall be by public auction to the highest bidder and shall, in
22 accordance with the judgment, be held at the courthouse door on any day of the week
23 except a Sunday or legal ~~holiday,~~ holiday when the courthouse is closed for
24 transactions. (In actions brought by a municipality that is not a county seat, the court
25 may, in its discretion, direct that the sale be held at the city or town hall door.) The
26 commissioner conducting the sale may, in his discretion, require from any successful
27 bidder a deposit equal to not more than twenty percent (20%) of his bid, which deposit,
28 in the event that the bidder refuses to take title and a resale becomes necessary, shall be
29 applied to pay the costs of sale and any loss resulting. (However, this provision shall not
30 deprive the commissioner of his right to sue for specific performance of the contract.)
31 No deposit shall be required of a taxing unit that has made the highest bid at the
32 foreclosure sale."

33 **SECTION 12.** G.S. 156-105 reads as rewritten:

34 **"§ 156-105. Assessment lien; collection; sale of land.**

35 The assessments shall constitute a first and paramount lien, second only to State and
36 county taxes, upon the lands assessed for the payment of the bonds and interest thereon
37 as they become due, and shall be collected in the same manner and by the same officers
38 as the State and county taxes are collected. The assessments shall be due and payable on
39 the first Monday in September each year, and if the same shall not be paid in full by the
40 thirty-first day of December following, it shall be the duty of the sheriff or tax collector
41 to sell the lands so delinquent. The sale of lands for failure to pay such assessments
42 shall be made at the courthouse door of the county in which the lands are situated,
43 between the hours of 10 o'clock in the forenoon and four o'clock in the afternoon of any
44 date except Sunday or another legal ~~holiday,~~ holiday when the courthouse is closed for

1 transactions, which may be designated by the board of drainage commissioners. After
2 any such sale date has been designated by the board of drainage commissioners, if for
3 any necessary cause the sale cannot be made on that date, the sale may be continued
4 from day to day for not exceeding four days, or the lands may be readvertised and sold
5 on any day which the board of drainage commissioners may or shall designate during
6 the same hours and without any order being obtained therefor during the same calendar
7 year. Nothing in this section shall be construed to require any order from any court for
8 any sale or resale held hereunder. The existing general tax law in force when sales are
9 made for delinquent assessments shall have application in redeeming lands so sold; and
10 in all other respects, except as herein or otherwise modified or amended, the existing
11 law as to the collection of State and county taxes shall apply to the collection of such
12 drainage assessments. No bid at any sale shall be received unless sufficient in amount to
13 discharge all the drainage assessments and other charges due by the delinquent lands or
14 owner thereof, together with all costs and expenses of sale. If no sufficient bid be
15 received, the board of drainage commissioners of the district shall be deemed the
16 purchaser in its corporate capacity at a sum sufficient to pay all assessments which are
17 due and costs as above stated, and shall be entitled to receive a certificate of purchase
18 and deed in the manner provided by law for purchasers at tax sales. The board of
19 drainage commissioners shall only be required to pay to the sheriff the costs and
20 expenses of sale before receiving a certificate of purchase. The board of drainage
21 commissioners of the district in their corporate capacity shall be in like position and
22 have the same rights and be subject to the same duties as the purchaser of lands at any
23 tax sale under the general law. If the board of drainage commissioners shall have been
24 the purchaser of lands so sold, the amount paid in redemption by the owner, or any
25 person having an estate therein or lien thereon, shall include the sum bid therefor plus
26 the penalty. The board of drainage commissioners shall pay to the sheriff or tax
27 collector the amount representing their bid at the sale of said lands before they shall be
28 entitled to receive a deed therefor, which the sheriff shall pay to the treasurer of the
29 drainage district in the same manner as other funds received by him. The board of
30 drainage commissioners, after acquiring a deed for said lands, may hold the same as an
31 asset of the district, and shall be liable for the payment of all drainage assessments and
32 State and county taxes accruing after the sale at which the district was a bidder, and in
33 all respects be deemed the owner of said lands and subject to the same privileges and
34 liabilities as any other landowner, including the right to convey the said lands for a
35 consideration and pay the proceeds of said sale to the treasurer of the district, which
36 may be distributed by the drainage commissioners for the benefit of the district in the
37 same manner as other district funds.

38 If any sheriff or tax collector failed for any reason to collect drainage assessments
39 upon lands in any drainage districts due in 1917, or any subsequent years, and further
40 failed to make valid sales of the lands so delinquent in the payment of such assessments,
41 then and in such event the existing sheriff or tax collector is hereby authorized and
42 directed to proceed to collect such unpaid drainage assessments, with interest thereon
43 from the dates when such assessments respectively became due, and in default of
44 payment being made he is further authorized to make sales of such lands as may be in

1 default at any time hereafter, at the times and in the manner authorized by law as
2 amended herein; and the purchaser at said sales shall acquire title to such lands in the
3 manner provided by law. If the sheriff or tax collector in office at the time such
4 assessments were in default has since died or gone out of office, the powers herein
5 given shall be exercised by the existing sheriff or tax collector.

6 The 1931 amendment to this section shall have the same force and effect from and
7 after April 13, 1931, as if it had been ratified and enacted prior to the first day of
8 January, 1929, and no sale of drainage lands held under the provisions of section 5361
9 shall be deemed or declared void by reason of the fact that they may not have been held
10 on the day specified in section 5361 of the Consolidated Statutes prior to this
11 amendment."

12 **SECTION 13.** This act becomes effective October 1, 2003, and applies to
13 any act required or permitted by law to be done on or after that date.